IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 17885 of 2006(D)

PETITIONER:

UDAYAN C.,
UDAYA BHAVANAM, VELIYAM WEST P.O.,
KOTTARAKKARA, KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS:
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1. **THE BRANCH MANAGER,**
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   KADAPPAKKADA BRANCH, KOLLAM.

2. **THE DEPUTY TAHASILDAR (RR),**
   K.S.F.E., KOLLAM.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF SALE NOTICE NO.DT-KLM-2011, 2028, 2071/2000 DTD. 09/06/2006 OF THE 2ND RESPONDENT.

EXT.P2; COPY OF LETER DTD. 1/07/2006 OF THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3: COPY OF DEMAND DRAFT DTD. 3/07/2006.

EXT.P4: COPY OF POSTAL RECEIPT DTD.1/07/2006.

EXT.P5: COPY OF APPLICATION DTD. 10/02/2007 SUBMITTED BY THE PETITIONER.

/TRUE COPY/

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.17885 OF 2006-D

Judgment

The petitioner is in default to the KSFE in relation to three chitty loans. He is only the guarantor for those loans. Revenue recovery steps have been taken against the petitioner and the principal loanee as evident from Ext.P1 sale notice. The petitioner submits, he filed Ext.P2 representation, claiming the benefit of the one-time-settlement scheme and thereafter, this Writ Petition is filed.

2. A statement has been filed on behalf of the KSFE in which it is submitted that Ext.P2 is not seen received by the 1st respondent. But, the petitioner has produced the postal receipt evidencing the sending of that exhibit on 01.07.2006 to the 1st respondent. Pursuant to the interim order of this Court, the petitioner has already remitted Rs.1 lakh. In view of the above position, the 1st respondent is directed to consider the claim of the petitioner for extending the benefit of the one-time-settlement scheme to him. If the 1st respondent is not competent to grant the benefit, he will forward Ext.P2 to the competent authority of the KSFE so that appropriate decision is taken and communicated to the petitioner. The 1st respondent or the competent authority of the KSFE as the case may be, shall take a decision on Ext.P2 within one month from the date of receipt of a copy of this Judgment. If he produces a copy of this Judgment before the 1st respondent within three weeks from today, further coercive steps pursuant to Ext.P1 will remain in abeyance till a decision on his claim for one-time-settlement facility is taken and communicated to him.

The Writ Petition is disposed of as above.

23.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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